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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,538	11/30/2001	Huy P. Nguyen	PALM-3778	9994
7590 12/16/2008 WAGNER, MURABITO & HAO LLP Two North Market Street Third Floor San Jose, CA 95113				
			EXAMINER	
			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2628	
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			12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/006,538

Applicant(s)

NGUYEN ET AL.

Examiner

JAVID A. AMINI

Art Unit

2628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uusimäki Matti EP 1 107 101 A2, hereinafter Matti, and in view of Eromäki Marko et al. EP 1 051 012 A2, hereinafter Marko.

Regarding Independent claim 1, Matti teaches a portable electronic device comprising: a processor module comprising a processor and a display for displaying one or more objects (see paragraph [0005], and fig. 1a), wherein each object activates one of a plurality of actions executable by said processor module (i.e. noted in fig. 2 "controller" #16); a sliding component moveably coupled to said processor module, wherein said sliding component is operable to slide

relative to said display, and wherein said sliding component is further operable to accept at least one button input from a user (Matti in [0030] on page 3 teaches and the surface 14a is used as an input from a user); a sensing device (e.g. in [0031] on page 4 a slide position switch 25 in fig. 2) coupled to said processor module and to said sliding component for providing detecting a relative position of said **sliding component** with respect to said **display** (i.e. noted that Matti on page 3 [0029] teaches a part of the display 26 to show e.g., a phone number, see fig. 1a #26);

Matti is silenced teaching a module for performing an operation in response to a signal, indicating that said one button input was pressed wherein said operation is based on a selection of information displayed on said display at a relative position of said sliding component with respect to said display as determined coincident with said signal, and wherein said operation is based on a content of said selection of information displayed on said display.

Marko teaches a module for performing an operation in response to a signal (i.e. noted in col. 3 lines 10-13 page 3), indicating that said one button input was pressed (Marko teaches a use of moving element allows an adjustable display that would have been obvious to one of ordinary skill in the art to recognize it an action of pressing a button) wherein said operation is based on a selection of information displayed on said display (i.e. noted as browsing a www-pages) at a relative position of said sliding component with respect to said display as determined coincident with said signal, and wherein said operation is based on a content of said selection of information displayed on said display.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marko's device that provides a user interface

with a set of keys and a display e.g., in fig. 14 KB2 into Matti's device in fig. 1a with sliding cover of 14a.

Regarding dependent claim 2, "the portable electronic device of claim 1, wherein said operation is a visual configuration of data rendered on said display." Examiner's interpretation: a display switch for changing a size of the display area is considered as the operation for visual configuration, see Matti teaches in fig. 2 #25. It is obvious that data rendered/displayed on the display.

Regarding dependent claim 3, "the portable electronic device of claim 1, further comprising a wireless transmitter, and wherein said operation is an initiation of communication with another device using said wireless transmitter." Matti teaches in figs. 1 illustrate a wireless transmitter.

Regarding dependent claim 4, "the portable electronic device of claim 1, further comprising a wireless transmitter, and wherein said operation is an initiation of communication with an external device, using said wireless transmitter." Examiner's interpretation regarding the term "an external device", the wireless transmitter is transmitting signal and it has to be an external receiver receiving the signal. Matti teaches in [0004] page 2.

Regarding claim 5, the portable electronic device as described in claim 1. Matti and Marko do not specifically disclose the sensing device is a non-contact sensor device. However, Examiner takes an official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teachings of Matti and Marko for providing the type of sensor as claimed, for using either optical or electromagnetic switch in one or both side of a

sliding cover in order to have an ability to switch on/off the display without using an extra key bottom.

Examiner's reply: The following arts contained the well-known non-contact sensor:

1. **Non-Contact Sensor For Servo Track Writer - Company Business and Marketing.** Larry Sato, Year 2000, see detecting principle on first page.
2. **US 2002/0135384 A1, Sep. 26, 2002, see [0001] and [0016].**
3. **US 6,467,369 B1, Mann et al. Oct. 22, 2002, see col. 2 lines 30-33.**
4. **US 5,990,807, Cloutier et al. Nov. 23, 1999, see abstract.**

Regarding dependent claim 6, Matti teaches in fig. 1a #14.

Regarding dependent claim 7, "the portable electronic device of claim 1, Matti teaches wherein said signal is initiated from said sliding component by pressing on an input key residing on said sliding component (e.g., p. 2 paragraph 0007 and in figs. 1a and 1b illustrates the claimed invention.

Claims 8 -10 recite method steps performed by the apparatus of claims 1-3; therefore they are similar in scope and rejected under the same rationale basis as in claims 1-3. Regarding claim 10's limitation i.e. an execution of an application program, Matti teaches in the abstract that the touch sensitive slide is adaptable for use as a mouse or a drawing table together with the display of the communications device, which enables for windows-based word and data processing and graphical applications.

Regarding dependent claim 11, "wherein said action is a display of related additional information to said portion of said information". See rejection of claim 1.

Regarding dependent claim 12, "a method as described in claim 8 wherein said selection is via a key." Matti in fig. 1a illustrates the limitation.

Regarding claim 13, Matti teaches in figs. 1a and 1b.

Regarding claim 14, Marko illustrates a MP1 in fig. 15 that considered being a sliding cover comprises a microphone.

Regarding claim 15, the method as described in claim 8. Marko teaches the sliding cover comprises a speaker, e.g., fig. 11 "SP1" i.e. speaker1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teachings of Marko into Matti for providing a method as claimed, for using a speaker on a sliding cover in order to have an ability to use (communicate) the handheld without sliding or opening the cover.

Claims 16-20 recite a computer readable medium containing executable instructions for executing the method of claims 8-11. It is obvious to have a medium configured to store or transport computer readable code in a computer system. For example compact disc has been included and used in the computer systems since 1990s or magnetic data storage devices have been used since 1980s.

Claims 25-29 recite an electronic device. It is obvious to have the electronic device as a portable electronic device as recited in claim 1. Claims 25 is rejected with the same reasons as set forth in claim 1, above. Regarding claim 26, Matti teaches in fig. 2 #25. Claim 27 is rejected with respect to controller #16 in fig. 2 and the display #26. Claim 28 is obvious because the sliding part is operated by the user. Claim 29 is rejected with similar reasons as set forth in claim 1, above.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-11 recite the limitation "said action" in second line of claims 10-11. There is insufficient antecedent basis for this limitation in the claim.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claimed subject matter is the computer readable medium in claims 16-20.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawings contained informal labels. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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